

**REMARKS**

Claims 1-41 were originally filed in the present application.

Claims 1-8, 10, 14-23, 25, 29-35, and 40-47 are pending in the present application.

Claims 1-10, 14-25, 29-36, 40 and 41 were rejected in the February 21, 2008 Office Action.

No claims have been allowed.

Claims 1, 10, 16 and 31 are amended herein.

Claims 9, 24 and 36 are canceled herein without prejudice

Claims 42-47 are added herein.

Claims 1-8, 10, 14-23, 25, 29-35, and 40-47 remain in the present application.

Reconsideration of the claims is respectfully requested.

Initially, the Applicants submit that new Claims 42-47 are supported at least by paragraphs [040]-[043] of the Specification and, therefore, introduce no new matter.

In Sections 2 and 3 of the February 21, 2008 Office Action, the Examiner rejected Claims 1-10, 14-25, 29-36, 40 and 41 under 35U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

Independent Claim 1 has been amended to recite a base station comprising a transceiver operable to receive first and second pilot strength signals and multiple power control signals over a beam update time. Claim 1 has further been amended to recite the base station further

comprising beam forming circuitry operable to calculate a differential pilot strength from the first and second pilot strength signals and a differential power control from two or more of the multiple power control signals. Independent Claims 16 and 31 have been amended to recite analogous limitations. The Applicants submit that the claimed transceiver and beam forming circuitry are described in the Specification at least in paragraph [040].

Accordingly, the Applicants respectfully request that the Examiner withdraw the §112, first paragraph, rejection of the claims.

In Sections 4-6 of the February 21, 2008 Office Action, the Examiner rejected Claims 1-10, 14-25, 29-36, 40 and 41 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. In response, the Applicants have amended Claim 1, 16 and 31 to address the various informalities identified by the Examiner.

Accordingly, the Applicants respectfully request that the Examiner withdraw the §112, second paragraph, rejection of the claims.

In Sections 8 and 9 of the February 21, 2008 Office Action, the Examiner rejected Claims 1-3, 5-7, 14-18, 20-22, 29-32, 34, 35, 40 and 41 under 35 U.S.C. §102(b) as being anticipated by U. S. Patent Application Publication No. 2002/0146983 to *Scherzer, et al.* (hereinafter, simply “Scherzer ‘983”).

Amended independent Claim 1 requires:

1. For use in a wireless network, a base station capable of serving multiple mobile stations, said base station comprising:

a transceiver operable to receive from a select one of the multiple mobile stations a value of a first pilot strength signal and a value of a second pilot strength signal over a beam update time and multiple power control signals during said beam update time; and

beam forming circuitry operable to calculate a differential pilot strength corresponding to a difference between a value of said first pilot strength signal and a value of said second pilot strength signal, to calculate a differential power control corresponding to two or more of said multiple power control signals and to form a downlink traffic beam spatially directed to serve said select one of said multiple mobile stations, said downlink traffic beam having a beam width set as a function of said differential pilot strength and said differential power control. (*Emphasis added*).

The Applicants submit that the above emphasized limitations are not taught, suggested or hinted at in Scherzer '983.

The Examiner asserts that Scherzer '983 describes calculating a differential power control in paragraph [0077], "a decrease in traffic channel signal level to interference is experienced." *Office Action mailed February 21, 2008, page 5, first paragraph*. The complete sentence from Scherzer '983 states: "For example, the channel characteristic information may indicate that a phase mismatch exists between the pilot channel and the traffic channel or that a decrease in traffic channel signal level to interference is experienced associated with the narrowing of the antenna beam." As such, the cited passage describes one of two indications that may be provided by channel characteristic information received from a mobile station in response to a chosen antenna beam configuration. *See Scherzer '983, page 8, paragraph [0071]*. However, the Applicants are unable to find in the cited

passage, the cited paragraph, or the remainder of Scherzer '983 any description of the channel characteristic information includes power control signals.

The Applicants respectfully submit that Scherzer '983 does not describe receiving multiple power control signals and, therefore, cannot describe calculating a differential power control corresponding to two or more of the multiple power control signals. For at least these reasons, the Applicants submit that amended independent Claim 1 is patentable over Scherzer '983. Amended independent Claims 16 and 31 recite limitations analogous to the novel and non-obvious limitations emphasized in traversing the rejection of Claim 1. Therefore, Claims 16 and 31 also are patentable over Scherzer '983. Claims 2, 3, 5-7, 14 and 15 depend from Claim 1, Claims 17, 18, 20-22, 29 and 30 depend from Claim 16, Claims 32, 34, 35, 40 and 41 depend from Claim 31, and include all the limitations of their respective base claims. As such, Claims 2, 3, 5-7, 14, 15, 17, 18, 20-22, 29, 30, 32, 34, 35, 40 and 41 also are patentable over Scherzer '983.

Accordingly, the Applicants respectfully request that the Examiner withdraw the §102 rejection of Claims 1-3, 5-7, 14-18, 20-22, 29-32, 34, 35, 40 and 41.

In Sections 10 and 11 of the February 21, 2008 Office Action, the Examiner rejected Claims 4 and 19 under 35 U.S.C. §103(a) as being unpatentable over the Scherzer '983 reference in view of U. S. Patent No. 6,895,258 to *Scherzer, et al.* (hereinafter, simply "Scherzer '258"). In Section 12 of the Office Action, the Examiner rejected Claims 8 and 23 under 35 U.S.C. §103(a) as being unpatentable over the Scherzer '983 reference in view of U. S. Patent No. 6,148,208 to *Love*

(hereinafter, simply "Love"). In Section 13 of the Office Action, the Examiner rejected Claims 9, 10, 24, 25 & 36 under 35 U.S.C. §103(a) as being unpatentable over the Scherzer '983 reference in view of U. S. Patent No. 7,054,662 to *Judson, et al.* (hereinafter, simply "Judson").

The Applicants submit that the cancellation of Claims 9, 24 and 36 renders the rejection of Claims 9, 24 and 36 moot.

As argued in traversing the §102 rejection of independent Claims 1, 16 and 31, Scherzer '983 fails to describe all the limitations of Claims 1, 16 and 31. The Applicants respectfully submit that Scherzer '258, Love and Judson do nothing to overcome the shortcomings of Scherzer '983. As such Claims 4, 8, 10, 19, 23 and 25 are patentable over Scherzer '983, Scherzer '258, Love and Judson, alone or in any combination.

Accordingly, the Applicants respectfully request that the Examiner withdraw the §103 rejections of Claims 4, 8, 10, 19, 23 and 25.

The Applicants also disagree with the Examiner's rejections of Claims 1-10, 14-25, 29-36, 40 and 41 based on additional misdescriptions and/or misapplications of the Scherzer '983, Scherzer '258, Love and Judson references to at least some of Claims 1-10, 14-25, 29-36, 40 and 41. However, the Applicants' arguments regarding those other shortcomings of the Scherzer '983, Scherzer '258, Love and Judson references are moot in view of the Claim 1 arguments above. The Applicants reserve the right to dispute in future Office Action responses the appropriateness and the applications of the Scherzer '983, Scherzer '258, Love and Judson references to the claims of the

present application, including the right to dispute assertions made by the Examiner in the February 21, 2008 Office Action.

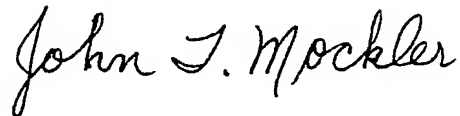
**SUMMARY**

For the reasons given above, the Applicants respectfully request reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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